

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

FRACTUS, S.A.,

Plaintiff,

v.

SAMSUNG ET AL.,

Defendants.

§
§
§
§
§
§
§
§
§
§

Civil No. 6:09-cv-203-LED-JDL

JURY TRIAL DEMANDED

ORDER

Before the Court are Joint Motions *In Limine* (Doc. No. 802); Plaintiff Fractus S.A.'s Motions *In Limine* (Doc. No. 803) and Defendants' Omnibus Motions *In Limine* (Doc. No. 804). The Court held a pretrial hearing on April 20, 2011, ruling from the bench on many of the motions *in limine* ("MIL"). The Court hereby finds:

- (1) The Joint Motions *Limine* 1 - 6 (Doc. No. 802) are **GRANTED**;
- (2) Plaintiff Fractus S.A.'s motions *in limine* (Doc. No. 803):
 - (a) MIL 1: **GRANTED** as instructed regarding indefiniteness; **DEFERRED** on "polygon;"
 - (b) MIL 2: **GRANTED-IN-PART, DENIED-IN-PART**, as instructed;
 - (c) MIL 3: **GRANTED**;
 - (d) MIL 4: **GRANTED-IN-PART, DENIED-IN-PART**, as instructed;
 - (e) MIL 5: **GRANTED-IN-PART, DENIED-IN-PART**, as instructed;
 - (f) MIL 6: **GRANTED-IN-PART, DENIED-IN-PART**, as instructed;
 - (g) MIL 7: **GRANTED**;

- (h) MIL 8: **GRANTED**;
 - (i) MIL 9: **GRANTED** as agreed; **DENIED** as to “fractal” evidence with the caveat that Defendants are foreclosed from arguing to the jury that Fractus, S.A. “misled” the Patent Office in any way;
 - (j) MIL 10: **DENIED**;
 - (k) MIL 11: **GRANTED-IN-PART, DENIED-IN-PART**, as instructed;
- (3) Defendants’ Omnibus Motions *In Limine* (Doc. No. 804):
- (a) MIL 1: **DENIED**;
 - (b) MIL 2: **DENIED**;
 - (c) MIL 3: **DENIED**;
 - (d) MIL 4: **DENIED**;
 - (e) MIL 5: **DENIED**;
 - (f) MIL 6: **GRANTED** as instructed, otherwise **DENIED**;
 - (g) MIL 7: **GRANTED AS AGREED**;
 - (h) MIL 8: **DENIED**;
 - (i) MIL 9: **GRANTED**.

So ORDERED and SIGNED this 29th day of April, 2011.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE